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# HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO  
REVISIT TITLE 16, CHAPTER 89, OF THE HAWAII ADMINISTRATIVE  
RULES TO PROHIBIT REGISTERED NURSES FROM DELEGATING THE  
INTERPRETATION OF DIAGNOSTIC LABORATORY RESULTS TO  
UNLICENSED ASSISTIVE PERSONNEL.

1           WHEREAS, section 457-7.5, Hawaii Revised Statutes,  
2 authorizes a registered nurse to delegate nursing care tasks,  
3 functions, and activities to unlicensed assistive personnel in a  
4 manner that is appropriate to the level of knowledge and skill  
5 of the unlicensed assistive personnel, as long as this  
6 delegation complies with applicable federal and state laws and  
7 does not include the practice-pervasive functions of assessment,  
8 evaluation, and nursing judgment; and  
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10           WHEREAS, title 16, chapter 89, subchapter 15, Hawaii  
11 Administrative Rules, contemplates rules relating to the  
12 delegation of nursing care tasks to unlicensed assistive  
13 personnel, while section 16-89-2, Hawaii Administrative Rules,  
14 defines an "unlicensed assistive person" to mean an individual  
15 who is not licensed to practice nursing, but who provides tasks  
16 of nursing care delegated by a registered nurse; and  
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18           WHEREAS, section 16-89-100, Hawaii Administrative Rules,  
19 states that the intent of the Board of Nursing is for the  
20 delegation of tasks of nursing care to unlicensed assistive  
21 personnel to be the exception rather than the rule, unless a  
22 registered nurse can justify the need for delegation; and  
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24           WHEREAS, a July 22, 2019, article in *Medical News Today*  
25 noted that diagnostic errors happen across all areas of medicine  
26 and that researchers' findings showed the cause of most  
27 misdiagnoses to be clinical judgment failures; and



1 WHEREAS, according to a February 22, 2020, article in  
2 *Healthline*, in the United States, twelve million people are  
3 affected by medical diagnostic errors each year, and an  
4 estimated forty thousand to eighty thousand people die annually  
5 from complications from these misdiagnoses; and  
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7 WHEREAS, the article further states that women and  
8 minorities are twenty to thirty percent more likely to be  
9 misdiagnosed; and  
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11 WHEREAS, on September 15, 2020, the *U.S. News & World*  
12 *Report* reported that misdiagnosis due to miscommunication is not  
13 uncommon, and that as many as sixty-two percent of laboratory  
14 and thirty-six percent of imaging results are overlooked by  
15 health care providers; and  
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17 WHEREAS, while these statistics are not focused on the area  
18 of delegation by registered nurses to unlicensed assistive  
19 personnel, they highlight the complexities associated with  
20 interpreting tests and diagnosing conditions, which  
21 fundamentally rely upon the assessment, evaluation, and judgment  
22 of trained medical professionals; and  
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24 WHEREAS, misinterpreting diagnostic laboratory results can  
25 have adverse effects on patient safety and outcomes, increase  
26 patient anxiety, and reduce self-management efficacy; and  
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28 WHEREAS, because of these issues, it is important that the  
29 person communicating test results and their meaning to patients  
30 be licensed; and  
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32 WHEREAS, the National Council of State Boards of Nursing,  
33 in its "National Guidelines for Nursing Delegation", confirms  
34 that the licensed nurse cannot delegate nursing judgment or any  
35 activity that will involve nursing judgment or critical decision  
36 making, and further, that "Licensed nurses must be aware that  
37 delegation is at the nurse's discretion, with consideration of  
38 the particular situation."; and  
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40 WHEREAS, adopting rules that remove a registered nurse's  
41 discretion to delegate the function of interpreting diagnostic



1 laboratory results to unlicensed assistive personnel will  
2 promote patient safety and accountability; now, therefore,

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4 BE IT RESOLVED by the House of Representatives of the  
5 Thirty-first Legislature of the State of Hawaii, Regular Session  
6 of 2021, the Senate concurring, that the Department of Commerce  
7 and Consumer Affairs is urged to revisit title 16, chapter 89,  
8 of the Hawaii Administrative Rules to prohibit registered nurses  
9 from delegating the interpretation of diagnostic laboratory  
10 results to unlicensed assistive personnel; and

11  
12 BE IT FURTHER RESOLVED that certified copies of this  
13 Concurrent Resolution be transmitted to the Governor and  
14 Director of Commerce and Consumer Affairs.

